

**Notice of Allowability**

Application No.

10/761,926

Examiner

Betsey M. Hoey

Applicant(s)

ZAWADA ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 05 August 2005.
2. ☒ The allowed claim(s) is/are 1-9, 11-13, 16, 18-23, 29-31, 34, 36-58 and 66-85.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 5/19/05, 8/5/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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1. Claims 1-9, 11-13, 16, 18-23, 29-31, 34, 36-58 and 66-85 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Claims 1-9, 11-13, 16, 18-23 and 29 are allowed because the prior art of record fails to teach, disclose, or reasonably suggest an antimicrobial composition capable of providing sustained treatment of dental unit water comprising a substantially dry mixture of a quaternary ammonium compound, an oxidizing agent, a silver compound, and citric acid. It is submitted that the prior art of record fails to suggest this specific combination of compounds.

Claim 30 is allowed because the prior art of record fails to teach, disclose, or fairly suggest an antimicrobial composition capable of providing sustained treatment of dental unit water comprising a substantially moisture-free mixture of a quaternary ammonium compound, an oxidizing agent, a silver compound, and citric acid. It is submitted that the prior art of record fails to suggest this specific combination of compounds.

Claims 31 and 34 are allowed because the prior art of record fails to teach, disclose, or reasonably suggest an antimicrobial composition comprising the specific recited amounts of quaternary ammonium compound, oxidizing agent, silver compound, and citric acid. It is submitted that the prior art of record fails to suggest this specific combination of compounds in these specific amounts.

Claims 36, 44 and 45 are allowed because the prior art of record fails to teach, disclose, or reasonably suggest a method for causing sustained antimicrobial activity in a water supply comprising providing a substantially dry mixture of a quaternary

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ammonium compound, an oxidizing agent, a silver compound, and citric acid. It is submitted that the prior art of record fails to suggest this specific combination of compounds.


Claims 37-39 and 66-72; claims 40-42 and 73-78; and claims 43 and 79-82 are allowed for reasons set forth in the previous Office Action with respect to claims 37-43.

Claims 46-57 and 83-85 are allowed for reasons set forth in the previous Office Action.

Claim 58 is allowed because the prior art of record fails to teach, disclose, or fairly suggest a method for making a composition comprising providing a quaternary ammonium compound, an oxidizing agent, a silver compound, and citric acid, and forming them into a tablet.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsey Hoey whose telephone number is **(571) 272-1158**. The examiner's supervisor, Mr. Duane Smith, may be reached at (571) 272-1166. Any inquiry of general nature may be directed to the Group receptionist at (571) 272-0987. The centralized fax number for the Group is (571) 273-8300.

  
**BETSEY MORRISON HOEY**  
**PRIMARY EXAMINER**

September 17, 2005